

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

v.

ERIC JAEGER and JERRY A. SHANAHAN

Defendants.

No. 01:07-00039-SM

NOW COMES Defendant Jerry Shanahan, by and through his attorneys, and submits the following trial exhibit list, attached hereto as Exhibit A. Defendant Shanahan reserves the right to supplement or amend this list of exhibits as the need arises at trial. Defendant Shanahan may offer additional exhibits produced in discovery, or exhibits listed by the SEC or any exhibit necessary or appropriate for cross-examination, impeachment, foundations, rebuttal, or to assist in summarizing the exhibits.

DATED: October 17, 2012

Respectfully submitted,  
JERRY SHANAHAN

By his attorneys,

/s/ Andrew Good \_\_\_\_\_  
Andrew Good

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Good & Cormier  
83 Atlantic Avenue  
Boston, MA 02110  
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**CERTIFICATE OF SERVICE**

I, Andrew Good, hereby certify that Defendant Jerry Shanahan's Pretrial Statement, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on October 17, 2012.

/s/ Andrew Good  
Andrew Good

Dated: October 17, 2012

**A**

Exhibit No.	Old Exhibit No.	Document Type	Date	Subject/Description
1	Shanahan MSJ Ex. 10	Email chain	7/6/2001-7/8/2001	Tech Data
2	Shanahan MSJ Ex. 11	Email chain	7/10/2001-7/11/2001	revised Tech Data-Enterasys contract
3	Shanahan MSJ Ex. 14	Email chain	7/12/2001-9/6/2011	Tech Data Recommended Buy
4	Shanahan MSJ Ex. 15	Email chain	7/12/2001-7/17/2001	Tech Data Recommended Buy
5	Shanahan MSJ Ex. 12	Email chain	7/25/2001	RE: Canada Tech Data is here for 1 mil...!!!- Champagne anyone
6	DX 444	Email chain	8/7/2001	Tech Data Contract Status
7	Shanahan MSJ Ex. 16	Email chain	8/17/2001	Tech Data
8	Shanahan MSJ Ex. 17	Terms sheet	8/23/2001	Tech Data Canada deal terms
9		Email chain	8/23/2001-8/24/2001	FW: TD/extra points
10	GX 501	Email chain	8/24/2001	RE: Revised Letter & FW:TD Canada PO Terms
11	Shanahan MSJ Ex. 18	Email chain	8/27/2001	Ingram and Tech Data
12	Shanahan MSJ Ex. 20	Terms sheet	8/29/2001	Tech Data Canada deal terms
13	Shanahan MSJ Ex. 21	Email with attachment	8/29/2001	Tech Data Letter
14	Shanahan MSJ Ex. 22	Email	8/29/2001	Confirmation
15	DX 726	Email chain	8/30/2001	Tech Data
16	Shanahan MSJ Ex. 9	Criminal Trial	11/27/2006	Benard's Testimony - Cross Examination
17	Shanahan MSJ Ex. 28	Email with attachment	9/4/2001	FW: TD Canada PO Terms
18		Email with attachment	9/4/2001	WW REVENUE TRACKING - Q3 FY02 - WK 1_94.xls
19	Shanahan MSJ Ex. 29	Email with attachment	9/5/2001	*Preliminary* Q2 Channels Returns Reserves Est.
20		Email with attachment	9/6/2001	REVISED *Preliminary* Q2 Channels Returns Reserves Est.
21	Shanahan MSJ Ex. 30	Email with attachment	9/13/2001	(Attn: Elaine Marks) Final Q2 Channels Return Reserves File
22	Shanahan MSJ Ex. 31	Workpaper	9/2001	"Q202 Channel Reserves" KPMG workpaper for 9/2001
23	Shanahan MSJ Ex. 32	Email chain	9/10/2001-9/17/2001	Channel Agreements
24		Email chain with attachment	8/14/2001-9/25/2001	Q3 start
25	Shanahan MSJ Ex. 42	Report	10/16/2001	SEC Form 10Q for quarter ending September 1, 2001
26	DX 541	Email	8/22/2001	Paul
27	Shanahan MSJ Ex. 33	Email	10/22/2001	RE: 90day terms -Tech Data Recommended Buy- return request
28	Shanahan MSJ Ex. 26	Agreement	9/15/2004	Fiallo Plea Agreement
29	Shanahan MSJ Ex. 1	Criminal Trial Transcript	11/15/2006	Fiallo's Testimony
30	Shanahan MSJ Ex. 24	Criminal Trial Transcript	11/16/2006	Fiallo's Testimony - Direct Examination
31	Shanahan MSJ Ex. 25	Criminal Trial Transcript	11/16/2006	Fiallo's Testimony - Cross Examination
32	Shanahan MSJ Ex. 2	Criminal Trial Transcript	11/17/2006	Fiallo's Testimony
33	Shanahan MSJ Ex. 27	Affidavit	12/13/2011	Shanahan's Declaration

34	Shanahan MSJ Ex. 27, Ex. 1	Resume	2003	Shanahan's Curriculum Vitae
35	Shanahan MSJ Ex. 4	Academic Transcript	5/30/2005	Shanahan's University of Cork academic transcript
36	Shanahan MSJ Ex. 5	Certificate with exhibits	10/12/2006	University of Limerick's record custodian's certificate w exhibits
37	Shanahan MSJ Ex. 27, Ex. 2	Responses to Ints & Reqs for Admissions	2/14/2011	Shanahan's Responses to SEC Ints and Reqs for Admission
38	DX 2115	Email with attachment	7/26/2001	Revised TD Proposal
39	DX 562	Email with attachment	8/24/2001	forecast
40	DX 594	Email with attachment	8/27/2001	Forecast Build
41	DX 596	Email with attachment	8/27/2001	Forecast for Final Week
42	Ex. 3 to Shanahan MSJ Ex. 27, Ex. 2	Email with attachment	8/21/2001	8/16 RVP Pipeline Summary's [sic]
43	Ex. 3 to Shanahan MSJ Ex. 27, Ex. 2	Email with attachment	8/30/2001	8/30 RVP Pipeline Summary
44	Ex. 3 to Shanahan MSJ Ex. 27, Ex. 2	Email with attachment	10/4/2001	10/04 RVP Pipeline Summary
45	DX 466	Email	8/10/2001	FW: Enterasys meeting with Hubert
46	Ex. 3 to Shanahan MSJ Ex. 27, Ex. 2	Spreadsheets	Through 8/30/2001	Tech Data Revenue Booking spreadsheets
47	DX 831	Email with attachment	9/3/2001	Preliminary Q3 Forecast for Canada
48	DX 962	Email with attachment	9/18/2001	4 qtr plan - rev 2.0
49	DX 1030	Email	9/20/2001	Factors affecting Quarter
50	Shanahan MSJ Ex. 35	Email	11/19/2001	Canada Tech Data contract
51	Shanahan MSJ Ex. 34	Email chain	11/26/2001-11/27/2001	TD Recommended Inventory Return
52		Email chain	11/26/2001-11/29/2001	TD Recommended Inventory Return
53	Shanahan MSJ Ex. 36	WSJ article	2/5/2002	Enterasys Discloses Accounting Issues, Delays Earnings
54	Shanahan MSJ Ex. 43	Criminal Trial Transcript	12/1/2006	Boyer's Testimony - Morning Session
55	Shanahan MSJ Ex. 44	Criminal Trial Transcript	12/1/2006	Boyer's Testimony - Afternoon Session
56	Shanahan MSJ Ex. 46	Workpaper	9/2001	KPMG SAB 101 Revenue Test-Work
57	Shanahan MSJ Ex. 45	Deposition	10/14/2011	Deposition of Steven Henning
58	Shanahan MSJ Ex. 37	Email chain	8/24/2001-2/12/2002	FW: TD \$3M stocking Order Terms - Levenson
59		Email chain	8/24/2001-2/12/2002	FW: TD \$3M stocking Order Terms - Weaver
60		Email chain	1/28/2002-2/14/2002	Tech Data Holding Fee
61	DX 1341	Email chain	3/15/2002	Draft Revenue Recognition Reminder
62		Email chain with attachment	3/20/2002-4/12/2002	Revenue Recognition Reminder
63	Shanahan MSJ Ex. 19	Fax	5/2/2002	Tech Data Audit Response

64	Shanahan MSJ Ex. 13	Criminal Trial Transcript	11/28/2006	Levenson's Testimony
65		Expert Report	7/21/2011	Expert Report of J. Allan Kosowsky
66	Shanahan MSJ Ex. 47	Agreement	7/00/1999	Basic Order Agreement between Accton and Cabletron
67	Shanahan MSJ Ex. 48	Sales Register		Enterasys-Accton Sales Transaction Records for Fiscal Year 2001 and Transition Year 2001
68	Shanahan MSJ Ex. 49	Email Chain	4/4/2001	FW: Meetings with Accton and Flextronics
69	Shanahan MSJ Ex. 50	Email Chain	5/1/2001-5/7/2001	Accton Agenda
70	Kosowsky Rep. Ex. 3	Email Chain	7/2/2001-7/3/2001	RE: Accton Meeting
71	Shanahan MSJ Ex. 51	Email Chain	5/22/2001-5/23/2001	RE: Accton
72	Shanahan MSJ Ex. 52	Email Chain	7/2/2001-7/3/2001	RE: Accton Meeting
73	Shanahan MSJ Ex. 53	Email	5/21/2001	Accton Partnership 5-21.ppt
74	Shanahan MSJ Ex. 54	Email Chain	5/31/2001	FW: Accton quote and supporting documents
75	Shanahan MSJ Ex. 55	Email Chain	6/1/2001	RE: Accton quote for Aprisma products
76	Shanahan MSJ Ex. 56	Packing Slip	6/1/2001	Accton Packing Slip for Purchase of Spectrum Software from Aprisma
77	Shanahan MSJ Ex. 57	Email attaching revenue action log	4/30/2002	Revenue Action Log
78	Shanahan MSJ Ex. 58	Email attaching meeting minutes	7/10/2001	Enterasys-Accton Enterprise AP Cooperation Opportunities Meeting Minutes & Action Items
79	Shanahan MSJ Ex. 59	Email	7/11/2001	Accton
80	Shanahan MSJ Ex. 60	Email attaching Accton Proposal	7/17/2001	Accton Proposal v1.0 7-17-01.doc
81	Shanahan MSJ Ex. 61	Email Chain	7/24/2001	Re: Regarding the PO #C10600002
82	Shanahan MSJ Ex. 62	Email Chain	8/7/2001-8/8/2001	RE: AP AR SWAP
83	Shanahan MSJ Ex. 63	Email Chain	7/13/2001-8/9/2001	RE: Visit?
84	Kosowsky Rep. Ex. 16	Email Chain	7/13/2001-8/9/2001	RE: Visit?
85	Shanahan MSJ Ex. 64	Email Chain	7/13/2001-8/9/2001	RE: Visit?
86	SEC Ex. 431	Email Chain	8/7/2001-8/9/2001	Aacton AR
87	Shanahan MSJ Ex. 65	Email attaching cash collections spreadsheet	8/18/2001	cash collections
88	Shanahan MSJ Ex. 66	Email	8/21/2001	Aprisma payment
89	Shanahan MSJ Ex. 67	Email Chain	8/27/2001	RE: Accton
90	Shanahan MSJ Ex. 68	Email attaching list of offsetting invoices	8/27/2001	\$500,000 offset
91	Shanahan MSJ Ex. 69	Email Chain attaching list of offsetting invoices	8/27/2001-8/28/2001	FW: \$500,000 offset
92	Shanahan MSJ Ex. 70	Email Chain attaching list of offsetting invoices	8/27/2001-8/28/2001	FW: \$500,000 offset
93	Shanahan MSJ Ex. 71	Email Chain	8/27/2001-8/28/2001	RE: FW: \$500,000 offset

94	Shanahan MSJ Ex. 72	Email Chain	8/27/2001-8/31/2001	RE: FW: \$500,000 offset
95	Shanahan MSJ Ex. 73	Email Chain	8/31/2001	FW: FW: \$500,000 offset
96	Shanahan MSJ Ex. 74	Invoice	8/31/2001	Enterasys Invoice to Accton
97	Shanahan MSJ Ex. 75	Email Chain	8/28/2001-9/4/2001	FW: \$500,000 offset
98	Shanahan MSJ Ex. 76	Email Chain	9/5/2001	RE: Aprisma
99	Shanahan MSJ Ex. 77	Email Chain	9/6/2001-9/7/2001	FW: Accton
100	Shanahan MSJ Ex. 78	Email Chain	8/28/2001	FW: FW: \$500,000 offset
101	Shanahan MSJ Ex. 79	Fax enclosing Enterasys Invoice to Accton	6/12/2002	Accton \$500K Payment
102	Shanahan MSJ Ex. 80	Screenshot	10/23/2001	Accton \$500K Wire Payment to Enterasys
103	Shanahan MSJ Ex. 81	SEC Form 10-Q	6/2/2001	SEC Form 10-Q for Quarter Ended June 2, 2001
104		Email Chain	6/1/2001	RE: Accton quote for Aprisma products
105		Purchase Order	6/1/2001	Accton Purchase Order faxed to Aprisma
106		Fax Cover Sheet	6/1/2001	Fax Cover Sheet to Aprisma enclosing Accton Purchase Order
107		Email Chain	6/2/2001	FW: 010602 Aprisma 2PM Backlog
108		Email Chain	6/2/2001-6/3/2001	RE: Accton quote for Aprisma products
109		Email Chain	7/2/2001-7/3/2001	RE: Accton Meeting
110		Email Chain	7/10/2001-7/13/2001	RE: Visit?
111		Email Chain	9/10/2001	RE: Accton
112	SEC Ex. 945	Email Chain	8/28/2001-9/10/2001	FW: RE: FW: \$500,000 offset
113	Shanahan MSJ Ex. 3	Position offer	9/14/2000	Enterasys Executive VP Position Offer
114	Shanahan MSJ Ex. 6	Email chain	4/13/2001-7/19/2001	COO Compensation
115	Shanahan MSJ Ex. 7	Email chain	2/2/2001-2/6/2001	Thanks
116		Email chain with spreadsheet	4/9/2001	bonus
117	DX 176	Email	4/23/2001	COO Slide
118	DX 287	Email chain	5/22/2001-6/14/2001	EOQ Agreement
119	DX 335	Email with attachment	7/1/2001	Sales Presentation - Final Draft
120		Email chain with attachment	7/19/2001	Q1 Executive Bonuses
121		Email chain	7/19/2001	Your Q1 Bonus
122	DX 440	Email	8/7/2001	RE: Gift
123	DX 483	Email with attachment	8/14/2001	COO Ops Metric 8/15/01
124	DX 607	Email chain with attachment	8/28/2001	Exec Metrics
125	DX 564	Email chain with attachment	8/24/2001	Proposed template
126	DX 657	Email with attachment	8/29/2001	Daily Financial Report
127	DX 670	Email chain	8/29/2001	Saturday con calls
128	DX 631	Email	8/29/2001	8-29-01 NEWEST C1 CASE
129	DX 843	Email chain	9/4/2001	Quarter End Metric Reporting

130	DX 899	Email with attachment	9/12/2001	International Investment Open Items
131	DX 1126	Email	10/1/2001	On Behalf of Beth Richardson
132		Email chain	10/8/2001-10/9/2001	Q2
133	DX 367	Email with attachment	7/17/2001	Org charts
134	DX 1677	Tree diagram collection		Organizational charts
135	DX 422	Memo with attachment	8/1/2001	Fiallo loan satisfaction
136	DX 862	Email with attachment	9/6/2001	Self Review
137	DX 1474	Target Letter - Gary Workman	4/13/2004	Re: In re Grand Jury Proceeding
138	DX 1475	Target Letter - Gail Spence Laucaw	4/13/2004	Re: In re Grand Jury Proceeding
139	DX 1513	Target Letter - Henry Fiallo	8/24/2004	Re: In re Grand Jury Proceeding
140		Affidavit	2/8/2012	Declaration of Joe Guth
141		Affidavit	4/24/2012	Supplemental Declaration of Joe Guth